

<b>Notice of Allowability</b>	Application No.	Applicant(s)	
	09/888,989	HUBERT JEROMINEK	
	Examiner	Art Unit	
	John Ruggles	1756	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to the 13 April 2004 amendment (entered).
2.  The allowed claim(s) is/are 1-3 and 5-18.
3.  The drawings filed on 01 October 2001 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

John Ruggles

Examiner

Art Unit 1756

**DETAILED ACTION**

***Response to Amendment***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

All previous rejections and objections presented in that Office action are now withdrawn in view of Applicant's current amendments and accompanying remarks filed on 13 April 2004.

**EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for the following examiner's amendment was given in a telephone interview with Gregory Sebald on 22 April 2004.

The application has been amended as follows:

**IN THE SPECIFICATION:**

(A) Page 3 line 2, change "step" to --steps--

Page 3 line 6, change "not darkened" to --are not darkened--

Page 7 line 15, change "containing a" to --containing--

Page 8 lines 20-21, change "allows to obtain" to --allows obtaining--

Art Unit: 1756

Page 8 line 29, change “permits to control precisely these mechanical” to --permits precise control over these mechanical--

Page 9 lines 21-22, change “permits to precisely control the mechanical” to --permits precise control over the mechanical--

Page 10 line 11, change “step” to --a step--

Page 10 line 13, change “slope with” to --slope having--

Page 10 line 14, change “surface” to --substrate--

(B) Correct and simplify the title to: METHOD OF FABRICATING A SUSPENDED MICROSTRUCTURE WITH A SLOPED SUPPORT

(C) Amend the abstract to better represent the invention as now claimed:

Page 17 line 9, change “surface” to --substrate--

Page 17 lines 11-12, change “and (f) removing the second layer to obtain the microstructure with the sloped support” to --(f) (i) depositing a fifth planarization layer, (ii) depositing a sixth layer, and (iii) etching the sixth layer; and (g) removing the second layer and the fifth layer to obtain the suspended microstructure with the sloped support--

IN THE CLAIMS:

Claim 6 line 1, change “step (f)” to --the second layer in step (g)--

Claim 7 line 1, change “removal” to --removing--

Claim 7 line 2, change “layer is performed” to --layer in step (g) is performed--

Claim 11 line 1, change “depositing step (ii)” to --depositing of step (ii)--

***Allowable Subject Matter***

Claims 1-3 and 5-18 are now allowed.

The following is an examiner's statement of reasons for allowance: the additional limitations of (1) depositing a 5<sup>th</sup> planarization layer to leave the top portion of the sloped support uncovered, (2) then depositing and etching a 6<sup>th</sup> layer to form a microplatform followed by (3) subsequent removal of the 2<sup>nd</sup> temporary and 5<sup>th</sup> planarization layers to form a suspended microplatform are considered to be allowable over the prior art of record. This is because Burns does not specifically teach using separate temporary and planarization layers on either side of a sloped support before deposition and etching of a microplatform on the sloped support, then subsequent removal of the temporary and planarization layers to form a suspended microplatform, as shown in instant Figures 10E-10G.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

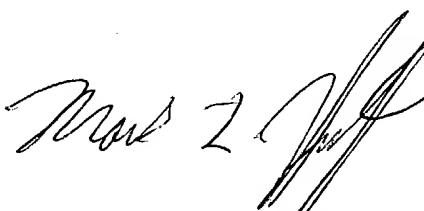
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Ruggles whose telephone number is 571-272-1390. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

Art Unit: 1756

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Huff can be reached on 571-272-1385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John Ruggles  
Examiner  
Art Unit 1756

  
MARK F. HUFF  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 1700**